

REMARKS

I. Introduction

With the addition of claims 49 to 52, claims 19 to 52 are now pending in the present application. Claims 19-22, 27, 33-34, 38, 41-42, and 44-45 has been amended, without prejudice, and no new matter has been added. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

II. Rejection of Claims 19 to 48 Under 35 U.S.C. § 112, Second Paragraph

Claims 19 to 48 were rejected under 35 U.S.C. § 112, second paragraph as purportedly indefinite. Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

Claim 19, from which claims 20 to 32, 36, and 37 depend has been amended, without prejudice, and the phrase "at least one porous separating layer of the porous setter plates" has been deleted. Claims 34 and 35 depend from claim 33, claims 39 to 44 depend from claim 38, and claims 46 to 48 depend from claim 45. Claims 33, 38 and 45 have been similarly amended. Accordingly, it is respectfully submitted that there is support in the Specification for all of the above amendments and that all of the claims comply with the patentability requirements of 35 U.S.C. § 112, second paragraph. For at least the foregoing reasons, it is respectfully requested that this rejection of claims 19 to 48 be withdrawn.

III. Rejection of Claims 33-35 Under 35 U.S.C. § 102(b)

Claims 33-35 were rejected under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 4,971,731 ("Herron et al."). Applicants respectfully submit that this rejection should be withdrawn for the following reasons.

Claim 33 recites a device for producing a formed body, the formed body including at least one of a formed ceramic body, a ceramic sheet and a multilayer hybrid, the formed body having at least one of a printed circuit trace, a switching element and a plated throughhole, the device including porous setter plates having at least one porous separating layer disposed between them, a plurality of green bodies containing an organic auxiliary agent

being disposable between the porous setter plates, through which a gaseous, organic, bake-out product escapes from the plurality of green bodies developed during at least one of a sintering operation and a binder removal operation. Claim 33 further recites that a catalytically active substance is introduced into pores of at least one of the porous setter plates, the catalytically active substance converting the gaseous hydrocarbons into relatively less combustible compounds, and the porous setter plates include gas outlets.

The Office Action states that, "the method recitations in these claims are of no consequence since the claims are directed to a device," however claim 33 does not include method recitations, it merely includes some limited functional language, as permitted in the M.P.E.P. § 2173.05(g). To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim limitation is identically disclosed in a single prior art reference. (See Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." M.P.E.P. § 2131).

The Office Action states that Herron et al. allegedly discloses "a device for producing a formed body comprising porous (col. 7, line 38) setter plates (col. 4, lines 31-32)." However, claim 33 also recites, "a catalytically active substance converting the gaseous hydrocarbons into relatively less combustible compounds." Herron et al. does not disclose, or even suggest, this feature of claim 33. The limitation of "converting the gaseous hydrocarbons into relatively less combustible compounds," is not recited as a method, but merely a description providing details about the catalytically active substance.

As regards the "catalytically active substance," the Examiner apparently relies on the reducible metal oxide (e.g., Cu₂O or CuO) described in the Herron et al. reference as allegedly disclosing the catalytically active substance. The difference between the catalytically active substance of claim 33 and the reducible metal oxide of Herron et al. is evidenced in the fact that, while the catalytically active substance of claim 33 converts the gaseous hydrocarbons into relatively less combustible compounds, the reducible metal oxide described in the Herron et al. reference does not convert gaseous hydrocarbons into relatively less combustible compounds. As described in the Herron et al., the Cu₂O or CuO reacts with **hydrogen**. In particular, the Herron et al. reference describes that the Cu₂O or CuO is used to

maintain an "ideal" H₂/H₂O ratio directly at the surface of the substrate. See, e.g., Herron et al. reference, col. 5, lines 40-52. In contrast gaseous hydrocarbons would be composed of more than just pure hydrogen. Therefore, there are distinct structural differences between the device of claim 33 and the device of Herron et al., for example, the "catalytically active substance" recited in claim 33 is not disclosed, or even suggested, by the reducible metal oxide (e.g., Cu₂O or CuO) described in the Herron et al. reference.

Therefore, Herron et al. does not disclose, or even suggest, all of the features of claims 33-35, in as complete detail as is contained in the claims. For the foregoing reasons, it is respectfully submitted that claims 33-35 are allowable over Herron et al. Therefore, it is respectfully requested that this rejection of claim 33-35 be withdrawn.

IV. New claims 49-52

New claims 49-52 have been added. Support for these claims may be found in the Specification and no new matter has been added. It is respectfully submitted that the new claims are patentable over the prior art of record for at least the same reasons that claims 19, 33, 38 and 45 are patentable over the prior art of record.

V. Conclusion

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It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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